

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Northeastern Lumber  
Manufacturers Association

v.

Case No. 09-cv-290-LM

Northern States Pallet Company,  
Inc., et al.

**O R D E R**

The motion to dismiss (doc. no. 76) is granted. The clerk is directed to enter judgment in favor of Northeastern Lumber Manufacturer Association ("NeLMA") and against Northern States Pallet Company, Inc. ("Northern States") in accordance with the court's orders dated January 31, 2011 (doc. no. 68) and September 15, 2011 (doc. no. 72), as follows:

(1) Permanent Injunction

Northern States, its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with Northern States who receive actual notice of the court's order by personal service or otherwise, are permanently enjoined from:

- a. Using any NeLMA marks or any confusingly similar mark, specifically including, but not limited to, any term that includes "NeLMA" or a misspelling of NeLMA in connection with the promotion, marketing, advertising, public relations and/or operation of Northern States' business;

- b. Diluting, blurring, passing off or falsely designating the origin of NeLMA's marks, and from injuring NeLMA's goodwill and reputation;
- c. Doing any other act or thing likely to induce the belief that Northern State's businesses, services, or product are in any way connected with, sponsored, affiliated, licensed or endorsed by NeLMA;
- d. Using any of the NeLMA marks or any confusingly similar mark for goods and services, or on the Internet, or as domain names, email addresses, meta tags, invisible data, or otherwise engaging in acts or conduct that would cause confusion as to the source, sponsorship or affiliation of Northern States with NeLMA.

(2) Monetary damages

NeLMA is entitled to: (a) \$118,522.87 in profits, plus prejudgment interest on that amount, as provided for in 15 U.S.C. § 1117(b); (b) \$27,908 in actual damages; (c) \$37,500 in attorneys' fees; and (d) \$1,962.18 in costs.

After judgment is entered accordingly, the clerk is further directed to close the case.

SO ORDERED.

  
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Landya McCafferty  
United States Magistrate Judge

November 1, 2011

cc: George F. Burns, Esq.  
Dawnangela A. Minton, Esq.  
James H. Jackson, pro se